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April 20, 2023

VIA ECF

Hon. Katharine H. Parker
Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 750
New York, NY 10007

Re: ***Douramanis v. Dur-America Brokerage, Inc. et al.***
Case No.: 1:20-CV-5825 (KHP)
Our File No.: 19-167

Dear Judge Parker:

We represent the defendants/counterclaimants in the captioned sibling dispute. We write regarding an issue that has suddenly come up regarding depositions and their in person location.

Through our notice of deposition and our communications with plaintiff's counsel, we have always indicated that the depositions of the parties would be in person. In fact, I wrote again to plaintiff's counsel on March 27th, specifically asking for "his client's availability for in person deposition". Thereafter, we set the schedule we submitted to the Court on April 3rd pursuant to this Court's order.

Yesterday afternoon, plaintiff's counsel suddenly advised me that neither he or his client are appearing in person. No reason has been given. We have advised plaintiff that this is not a one sided request, as we are willing and have offered to produce our client, the named individual defendant, in person for a deposition. The Courts have favored in person depositions since we have returned from Covid. See Stapleton v. Prince Carpentry, 22-cv-004044 (JS)(JMS), 2023 WL 1785547 (Feb. 6, 2023)[requiring in person deposition in response to plaintiff's alleged concern about contracting Covid]; see also Herrera v. City of New York, No. 19-CV-3216(AT)(SDA),

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2020 WL 1879075 (S.D.N.Y. Apr. 15, 2020). We have also offered both our Manhattan and Mineola offices as convenient locations since plaintiff resides in Queens. As such, either location, particularly the Mineola office, is in proximity to her residence.

In a case where there are countless documents; tape recordings, etc., it is important to have the ability to take testimony in person to assess her demeanor. She has made a number of wide ranging allegations against my clients and we are certainly entitled to have her testify as to the basis for them in person. We note that we have contacted our adversary in writing and by phone to attempt to resolve this issue. However, he has not communicated further with us.

The deposition is currently set for next Tuesday, the 25th and we thus appreciate the Court's attention to this matter.

Respectfully submitted,
MIRANDA SLONE SKLARIN VERVENIOTIS LLP

A handwritten signature in black ink, appearing to read 'Michael A. Miranda', with a stylized flourish at the end.

Michael A. Miranda

cc: All parties via ECF